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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,596	05/03/2001	Mats Moren	VCC0063-US	6742

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EXAMINER

MILLER, CARL STUART

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 07/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/28/596

Applicant(s)

MOREN

Examiner

Miller

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-19 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-19 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl in view of EP ('159).

Diehl teaches the use of plural inlets to intake passages each having its own ball-type non-return valve and each able to carry EGR and/or other gases to the engine.

EP ('159) teaches a flanged intake pipe mounted to a cylinder head and including (in the head) an EGR passage with inlets to each cylinder.

It would have been obvious to modify Diehl by placing the conduit in the cylinder head as taught by EP ('159) since this was a good way to save space for the system.

Claims 3, 13, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl in view of EP ('502).

Diehl applies a noted above and EP ('502) teaches a cast or milled passage in the intake flange which sends gases into plural intake runners. Producing a similar channel by milling the flange and closing the channel with lid would have been an obvious mechanical equivalent.

Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl and EP ('159) as applied to claim 2 above, and further in view of Regna.

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Regna teaches a one-way valve formed by a flexible fiber flap which acts as part of a gasket between engine parts. Since the environment is similar to Diehl this would have been an obvious way to seal the flange.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl and EP ('159) and Regna as applied to claim 7 above, and further in view of Ikeda.

Ikeda teaches a steel one-way gasket constructed as claimed.

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl and EP ('159) as applied to claim 4 above, and further in view of Nagaishi.

Nagaishi teaches a solenoid non-return valve on an EGR passage. Since this was a well known way of regulating the flow, such a valve would have been obvious to use in Diehl.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl and Ep ('915) as applied to claim 2 above, and further in view of Choma.

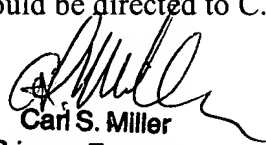
Choma teaches mounting the flange as a separate unit on the intake pipe thereby making such a mechanical equivalent obvious to use in Diehl.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diehl and EP ('159) as applied to claim 2 above, and further in view of EP ('280).

EP ('280) teaches an EGR channel mounted as a separate unit on an intake manifold thereby making a separate EGR channel an obvious mechanical equivalent.

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Any inquiry concerning this communication should be directed to C. Miller at  
telephone number 308-2653.

  
Carl S. Miller  
Primary Examiner

C. Miller

July 13, 2002